

SENATE BILL 115

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2003 Regular Session
3lr0114

By: **Chairman, Education, Health, and Environmental Affairs Committee**
(By Request - Departmental - Natural Resources)

Introduced and read first time: January 23, 2003

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 13, 2003

CHAPTER _____

1 AN ACT concerning

2 **Boating Accidents**

3 FOR the purpose of increasing the minimum damage amount before a boating
4 accident is required to be reported to the Department of Natural Resources;
5 requiring that certain boating accidents involving two or more vessels,
6 regardless of the amount of damage to property, be reported to the Department;
7 and generally relating to boating accidents.

8 BY repealing and reenacting, with amendments,
9 Article - Natural Resources
10 Section 8-724
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2002 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Natural Resources**

16 8-724.

17 (a) The operator of a vessel involved in a collision, accident, or other casualty
18 shall render all practical and necessary assistance to persons affected by the collision,
19 accident, or casualty to save the persons from danger caused by the collision,
20 accident, or casualty, to the extent the operator can do so without serious danger to
21 the operator's own vessel, or persons aboard. The operator also shall give the

1 operator's name, address, and the identification of the operator's vessel to any person
2 injured and to the owner of any property damaged. The duties imposed by this
3 subsection are in addition to any duties otherwise imposed by law.

4 (b) If an accident involves any vessel subject to this subtitle while on the
5 waters of the State and results in the death, disappearance, or injury of any person or
6 in property damage [in excess of \$500] OF \$2,000 OR MORE, or there is complete loss
7 of the vessel, OR A COLLISION OCCURS INVOLVING TWO OR MORE VESSELS,
8 REGARDLESS OF THE AMOUNT OF DAMAGE TO PROPERTY, the operator or owner, if
9 the operator cannot submit a report, shall file with the Department a full description
10 of the accident, including any information the Department requires by regulation. If
11 the accident caused the death or disappearance of any person or a person receives
12 medical treatment beyond first aid, the report shall be made within 48 hours. Any
13 other accident resulting in personal injury or property damage shall be reported
14 within 10 days. This subsection does not apply to a vessel required to have a
15 certificate of inspection under Chapter 1, Title 46, Code of Federal Regulations.

16 (c) If any vessel numbered in the State is involved in an accident on waters
17 outside of the State, and the accident results in the death, disappearance, or injury of
18 any person or in property damage [exceeding \$500] OF \$2,000 OR MORE, OR A
19 COLLISION OCCURS INVOLVING TWO OR MORE VESSELS, REGARDLESS OF THE
20 AMOUNT OF DAMAGE TO PROPERTY, the operator or owner, within 30 days, shall file
21 a complete report with the Department including any information the Department
22 requires by regulation. This subsection does not exempt or excuse any operator or
23 owner, if the operator cannot submit the report, from the requirements of any federal
24 or other State law or rule or regulation having jurisdiction over the waters in which
25 the accident occurs. Furthermore, any accident-reporting requirement in the federal
26 or other State law or rule or regulation may not exonerate or excuse any failure of the
27 operator or owner of a vessel numbered in the State to report the accident in the
28 State.

29 (d) The required report of a boating accident may not be referred to during any
30 judicial proceeding. It is not subject to subpoena or admissible as evidence in any
31 proceeding. Subject to these restrictions, information contained in a boating accident
32 report and any statistical information based on the report is available on request for
33 official purposes to the United States Coast Guard and its successor agency.

34 (e) Any person who complies with subsection (a) of this section or who
35 gratuitously and in good faith renders or attempts to render assistance to any vessel
36 in distress on any waters of the State without objection from any person assisted, is
37 not liable for any civil damage as the result of any act or omission by the person in
38 rendering assistance, if the act or omission does not amount to gross negligence.

39 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
40 effect October 1, 2003.

